

REMARKS

Claims 1 to 32 remain under consideration.

The insulation packages 10 and 20 of the subject invention shown in Figures 1, 2 and 3 provide an insulation package that contains a plurality of both uncut resilient fibrous insulation batts 24 and pre-cut resilient fibrous insulation batts 26. The pre-cut resilient fibrous insulation batts 26 have longitudinally extending separable batt sections. Figures 10 to 12 show a resilient fibrous insulation batt 26 that has longitudinally separable batt sections 44, 46, 48, and 50. The batt sections (e.g. batt sections 44, 46, 48 and 50) are separably joined to adjacent batt sections by separable connector means (e.g. separable connectors 36 of Figure 11), extending along the length of the pre-cut fibrous insulation batt, for holding the pre-cut fibrous insulation batt together as a unit for handling. Each of the separable connector means is separable by hand to separate adjacent batt sections from each other whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width. The resilient fibrous insulation batts 24 and 26 within the insulation package of the present invention 10 or 20 may be faced or unfaced fibrous insulation batts of a pre-selected width, which are in a compressed condition. Where the fibrous insulation batts are faced, the facings are longitudinally separable where the insulation batt is longitudinally separable and may have both lateral tabs, such as tabs 156 of Figures 13 to 15, and tabs where the facing is longitudinally separable, such as the tabs 158, 160 and 162 of Figures 13 to 15. Between 20% and 70% of the resilient fibrous insulation batts in the insulation package are pre-cut resilient fibrous insulation batts and between 30% and 80% of the resilient fibrous insulation batts in the insulation package are uncut resilient

fibrous insulation batts. In the insulation package 10 of Figures 1 and 2, the uncut and precut resilient fibrous insulation batts 24 and 26 are a compressed stack of uncut and precut resilient fibrous insulation batts that are contained together within a covering 12. In the insulation package 20 of Figure 3, the compressed stacks of uncut fibrous insulation batts 24 and the compressed stacks of precut resilient fibrous insulation batts 26 are contained within separate insulation packages 14 and 16 respectively. The separate insulation packages 14 and 16 are bound together with bands 18 to form the unitized insulation package 20.

Claims 1 to 9, 11-25, 27-33, and 54 to 63 have been rejected under 35 USC 103(a) as being unpatentable over Berdan II (5,350,063) in view of Weinstein et al (6,165,305).

Berdan II discloses an insulation shipping package unit 18 for compressible insulation products that comprises at least two insulation packages 14. The only insulation packages disclosed or suggested by Berdan II are insulation packages made up of a plurality of a single type of insulation batt 10 shown in Figure 1. Berdan II doesn't disclose or suggest packaging two types of fibrous insulation batts together in a package and clearly does not disclose or suggest packaging both uncut and pre-cut fibrous insulation batts together in a package to facilitate the insulation of both standard width and non-standard width cavities by an installer with both uncut and pre-cut resilient fibrous insulation batts.

Weinstein et al disclose a pre-cut fibrous insulation batt made up of a plurality of separable batt sections that is used to insulate both standard width and non-standard width cavities (col. 1, lines 9-17). As shown in Figures 3 and 5, the batt sections 38, 40 and 42 are formed by cuts 34, 36 and batt sections 138, 140 and 142 are formed by cuts 134, 136. The cuts 34, 36 and 134, 136 are continuous and extend in from a major surface of the batt to leave separable connectors adjacent the opposite major surface of

the batt that join the batt sections together. Weinstein et al disclose that it is common for 50% or more of the framing members in the exterior walls of residential structures to be spaced apart at nonstandard distances less than the standard spacing between such framing members. However, even though Weinstein et al disclose that 50% or more of the framing members in the exterior walls of residential structures are spaced apart less than a standard distance and issued about six years after Berdan II, Weinstein et al only teach insulating both standard width and non-standard width cavities with their separable batts. Weinstein et al don't disclose or suggest packaging two types of fibrous insulation batts together in a package and clearly does not disclose or suggest packaging both uncut and pre-cut fibrous insulation batts together in a package to facilitate the insulation of both standard width and non-standard width cavities by an installer with both uncut and pre-cut resilient fibrous insulation batts.

Claims 1 to 16 define an insulation package, such as the insulation package shown in Figures 1 and 2, containing both uncut and pre-cut fibrous insulation batts. More specifically, claim 1 and dependent claims 2 to 16 define an insulation package that includes a plurality of uncut and pre-cut resilient fibrous insulation batts in a compressed stack. Each of the pre-cut fibrous insulation batts has a plurality of longitudinally extending batt sections formed in the pre-cut fibrous insulation batt by a plurality of longitudinally extending cut means spaced inwardly from lateral edges of the fibrous insulation batt and located intermediate the batt sections of the fibrous insulation batt. Each of the batt sections are separably joined to adjacent batt sections by separable connector means that extend along the length of the pre-cut fibrous insulation batt. Each separable connector means is separable by hand to separate adjacent batt sections whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable

connector means for insulating a cavity having a lesser width. The stack of resilient fibrous insulation batts contained within the package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. The stack of resilient fibrous insulation batts is compressed in a direction perpendicular to the major surfaces of the insulation batts in the stack and the stack of resilient fibrous insulation batts is enveloped within a covering to form the package containing both uncut and pre-cut resilient fibrous insulation batts.

As discussed above, Berdan II and Weinstein et al do not disclose or suggest an insulation package containing two types of resilient fibrous insulation batts let alone a stack of both uncut and pre-cut resilient fibrous insulation batts. Furthermore, neither Berdan II and Weinstein et al disclose or suggest an insulation package containing a stack of both uncut and pre-cut resilient fibrous insulation batts wherein the stack of resilient insulation batts contained within the package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. Since the insulation package of the present invention contains between 20% and 70% pre-cut resilient fibrous insulation batts and between 30% and 80% uncut resilient fibrous insulation batts, an insulation contractor using the insulation packages of the present invention to insulate a building can quickly and easily insulate both the standard and non standard width cavities of the building without having to cut the insulation batts longitudinally at the job site to size the batts for cavities of less than a standard cavity width and without having to unnecessarily handle additional insulation packages.

Berdan II merely discloses an insulation package containing a single type of insulation batt. Weinstein et al discloses a precut resilient fibrous insulation batt that can be used in its fabricated form to insulate standard width building cavities (such as wall cavities) or quickly and easily separated into sections and thereby reduced in width to insulate building cavities of lesser widths. As proposed in the Weinstein et al patent, the

Weinstein et al batt can be used to insulate both standard width and less than standard width cavities thereby teaching that there is no need for a second type of insulation batt let alone a package containing both the Weinstein et type of batt and the Berdan II type of batt. There is simply no suggestion in either Berdan II or Weinstein et al of an insulation package containing both uncut and pre-cut fibrous insulation batts let alone a package wherein the package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. For the reasons discussed above, the withdrawal of the rejection of claims 1 to 9 and 11 to 16 under 35 U.S.C. 103(a) as being un patentable over Berdan II in view of Weinstein et al is solicited and the allowance of claims 1 to 9 and 11 to 16 is requested.

Claims 17 to 32 define an insulation package, such as the insulation package shown in Figure 3, containing both uncut and pre-cut fibrous insulation batts. More specifically, claim 17 and dependent claims 18 to 32 define a unitized insulation package that includes a plurality of insulation packages bound together as a unit. Each of the individual insulation packages in the unitized insulation package comprises a plurality of resilient fibrous insulation batts in a stack and a covering that envelops the stack of batts. The resilient fibrous insulation batts contained in a first set of the insulation packages contained within the unitized insulation package are uncut resilient fibrous insulation batts. The resilient fibrous insulation batts contained in a second set of the insulation packages contained within the unitized insulation package are pre-cut resilient fibrous insulation batts. Each of the pre-cut fibrous insulation batts in the second set of insulation packages has a plurality of longitudinally extending batt sections formed in the pre-cut fibrous insulation batt by a plurality of longitudinally extending cut means spaced inwardly from lateral edges of the fibrous insulation batt and located intermediate the batt sections of the fibrous insulation batt. Each of the batt sections are separably joined to adjacent batt sections by separable connector means that extend along the length of the

pre-cut fibrous insulation batt. Each separable connector means is separable by hand to separate adjacent batt sections whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width. The first set of insulation packages containing the pre-cut fibrous insulation batts forms between 30% and 80% of the insulation packages in the unitized package and the second set of insulation packages containing the uncut fibrous insulation batts forms between 20% and 70% of the insulation packages in the unitized package.

Berdan II and Weinstein et al do not disclose or suggest a unitized insulation package containing packages of two types of resilient fibrous insulation batts let alone both packages of uncut and pre-cut resilient fibrous insulation batts that are bound together. Furthermore, neither Berdan and Weinstein et al disclose or suggest a unitized insulation package containing both packages of uncut and pre-cut resilient fibrous insulation batts wherein the insulation packages contained within the unitized package include between 20% and 70% packages of pre-cut fibrous insulation batts and between 30% and 80% packages of uncut fibrous insulation batts. Since the unitized insulation package of the present invention contains between 20% and 70% pre-cut resilient fibrous insulation batts and between 30% and 80% uncut resilient fibrous insulation batts, an insulation contractor using the unitized insulation packages of the present invention to insulate a building can quickly and easily insulate both the standard and non standard width cavities of the building without having to cut the insulation batts longitudinally at the job site to size the batts for cavities of less than a standard cavity width and without having to unnecessarily handle additional insulation packages.

Berdan II merely discloses an insulation package containing a single type of insulation batt. Weinstein et al discloses a precut resilient fibrous insulation batt that can

be used in its fabricated form to insulate standard width building cavities (such as wall cavities) or quickly and easily separated into sections and thereby reduced in width to insulate building cavities of lesser widths. As proposed in the Weinstein et al patent, the Weinstein et al batt can be used to insulate both standard width and less than standard width cavities thereby teaching that there is no need for a second type of insulation batt let alone a package containing both the Weinstein et type of batt and the Berdan II type of batt. There is simply no suggestion in either Berdan II or Weinstein et al of a unitized insulation package containing both packages of uncut and pre-cut fibrous insulation batts that are bound together let alone a unitized insulation package wherein the unitized insulation package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. For the reasons discussed above, the withdrawal of the rejection of claims 17 to 25 and 27 to 32 under 35 U.S.C. 103(a) as being un patentable over Berdan II in view of Weinstein et al is solicited and the allowance of claims 17 to 25 and 27 to 32 is requested.

Claims 10 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Berdan II (5,350,063) in view of Weinstein et al (6,165,305) and further in view of Allwein et al (5,817,387).

Allwein et al disclose encapsulated insulation batt assemblies 20 that include an insulation material such as a single uncut fibrous batt 24 encapsulated within an envelope 26. The ends of the individual insulation batt assemblies 20 are joined together by the encapsulating sheet material that forms the envelope about each separately encapsulated batt. While the individual insulation batt assemblies 20 are separable from each other along transverse perforations 42, the individual insulation batt assemblies 20 are not separable longitudinally, the envelopes of the individual insulation batt assemblies 20 are not separable longitudinally, and there are no longitudinally extending tabs in the envelopes between the side or lateral tabs 34.

Claims 10 and 26 each define the faced pre-cut resilient fibrous insulation batts of the claimed packages as each having a facing sheet bonded thereto that has additional pairs of tabs, at least substantially aligned with the separable connector means of and extending along the length of the pre-cut fibrous insulation batt to which the facing sheet is bonded, for securing the batt sections of the pre-cut fibrous insulation batt to framing members. As discussed above, Allwein et al discloses transverse perforations for separating individual insulation batts from each other but does not disclose or suggest individual insulation batts that are separable longitudinally, that have envelopes that are separable longitudinally, or that have longitudinally extending tabs in the envelopes between the side or lateral tabs.

Accordingly, for the reasons discussed above in connection with claims 1 and 17 and for the reasons discussed above in connection with the rejection of claims 10 and 26, claims 10 and 26 patentably distinguish the insulation packages of the subject invention over Berdan II, Weinstein et al, and Allwein et al, the withdrawal of the rejection of claims 10 and 26 under 35 U.S.C. 103(a) as being unpatentable over Berdan II, Weinstein et al, and Allwein et al is solicited, and the allowance of claims 10 and 26 is requested.

Respectfully submitted,


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